

ENTERED

September 18, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DAVID ALLEN HAVERKAMP; aka
HAVERKAMP,

Plaintiffs,

VS.

JOSEPH PENN, *et al*,

Defendants.

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CIVIL NO. 2:17-CV-18

ORDER

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R") to Deny the Motions to Intervene. Dkt. No. 186. The Court is also in receipt of Plaintiff Bobbie Lee Haverkamp's (aka David Allen Haverkamp) ("Haverkamp") objections to the M&R. Dkt. No. 197.

Haverkamp is incarcerated in Beaumont, Texas with the Texas Department of Criminal Justice ("TDCJ") and alleges a violation of her constitutional rights based on TDCJ's failure to provide adequate medical care for her gender dysphoria/gender identity disorder. Dkt. No. 62 Three motions to intervene have been filed by other inmates who state they suffer from gender dysphoria: Shawn Kelly Vinson, Dkt. No. 141, Isabelle Miller, Dkt. No. 156 and James Seat, Dkt. No. 164. Defendants oppose the interventions. Dkt. No. 174.

The Magistrate Judge recommends denying the motions for intervention as a matter of right or permissibly because the proposed intervenors "merely cite their own medical conditions and symptoms which may form the basis of their own lawsuits" and because "[a]llowing additional plaintiffs in this case at this point would delay the disposition of Plaintiff's claims and cause this action to become exponentially more complex..." Dkt. No. 186.

Haverkamp objects to the M&R on the grounds that Defendants do not have standing to oppose the motion to intervene and the proposed intervenors have strong similarities to her claims so as to necessitate intervention. Dkt. No. 197.

Haverkamp correctly notes that the Federal Rules of Civil Procedure allow permissive intervention when a person shares a common question with the main action. *See* Fed. R. Civ. P. 24. While the core elements of Haverkamp's complaint regarding gender reassignment surgery may be shared by the proposed intervenors, the related claims of different types of treatment for gender dysphoria and each person's medical history would vastly increase the complexity of this case. Therefore, the Court **OVERRULES** Haverkamp's objections. Dkt. No. 197.

After review of the filings and relevant law, the Court **ADOPTS** the M&R in its entirety, Dkt. No. 186. The Court **DENIES** the motions to intervene, Dkt. Nos. 141, 156, 164.

SIGNED this 18th day of September, 2020.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle
Senior United States District Judge